



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

Memorandum

**TO:** State Board of Education

**FROM:** Thomas D. Watkins, Jr., Chairman

**DATE:** July 9, 2003

**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since June 26, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# R/0877-03 - OSE/EIS Charlevoix-Emmet Intermediate School District**

Exemptions: None

**Administrative Rule:** 340.1738 (b) - Severe cognitive impairment

**Waiver Synopsis:**

Allow summer program to operate 209 days with 6 hours of instruction, 3 days per week.

**District Rationale:**

In previous summers, students attended SCI programs for 3 hours, 5 days per week. This did not allow for many community based learning opportunities, due to the time required to take students on and off the buses, feeding routines, and individual toileting needs. Staff noted difficulty parents had providing for day care for their child with half-day programming. Attendance also varied during the summer due to parents trying to schedule short vacation periods with their family.

**Action:**

Approve noting that the instructional program will have no breaks greater than 2 consecutive weeks.

**Recommended waiver period:**

July 1, 2003 through June 30, 2006

**# 0903-03 - OSE/EIS Clare-Gladwin Regional Educational Service District**

Exemptions: Creative Learning Academy of Science

**Administrative Rule:** 340.1738 (b) - Severe cognitive impairment

**Waiver Synopsis:**

Replace 230-day requirement for severe cognitive impairment classrooms to 206 days and keeping the 1,150 clock hours of instruction requirement. Students would receive the same hours of instruction during the summer by receiving 206 days of instruction and 1,255 hours of instruction with waiver.

**District Rationale:**

- Lesser number of summer days with longer hours would allow participation in community-based learning opportunities.
- Eases summer staffing issues pertaining to "burnout."
- Hiring of summer substitute teachers and aides is enhanced.

**Action:**

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

**Recommended waiver period:**

Department approval to the end of 2003 summer education program

**# 0902-03 - OSE/EIS Iosco Regional Educational Service Agency**

Exemptions: None

**Administrative Rule:** 340.1738 (b) - Severe cognitive impairment

**Waiver Synopsis:**

Replace the 230 day requirement to 209 days with 6 hours of instruction per day while keeping the 1,150 clock hours of instruction. Students would attend a total of 1,299 hours of instruction.

**District Rationale:**

- Less summer days but longer hours.
- Community-based learning opportunities would be enhanced.

**Action:**

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

**Recommended waiver period:**

Department approval to the end of 2003 summer education program

**# R/0878-03 - OSE/EIS Menominee Intermediate School District**

Exemptions: None

**Administrative Rule:** 340.1738 (b) - Severe cognitive impairment

**Waiver Synopsis:**

Reduce number of days to 219, clock hours will be 1,281. The summer program will operate 5 hours per day, 5 days per week.

**District Rationale:**

- Attendance books indicated better attendance from previous years.
- District staff used for teachers, aides, and transportation making program more efficient in the delivery of instruction.
- Students had opportunity to participate in community outings and leisure activities along with academics and functional skill instruction in addition to regular related services.

**Action:**

Approve

**Recommended waiver period:**

Department approval to the end of 2005 summer education program

**# R/0879 -03 -OSE/EIS Menominee Intermediate School District**

Exemptions: None

**Administrative Rule:** 340.1748 (2) - Programs for students with severe multiple impairments

**Waiver Synopsis:**

Reduce number of days to 219, clock hours will be 1,281. The summer program will operate 5 hours per day, 5 days per week.

**District Rationale:**

- Attendance books indicated better attendance from previous years.
- Students had opportunity to participate in community outings and leisure activities along with academics and functional skill instruction in addition to regular related services.
- Staffing with knowledge of students made program more efficient.
- Instructional programs were coordinated with classroom teachers for each student.

**Action:**

Approve

**Recommended waiver period:**

Department approval to the end of 2005 summer education program

**# 0900-03 - OSE/EIS Shiawassee Regional Education Service District**

Exemptions: None

**Administrative Rule:** 340.1738 (b) - Severe cognitive impairment

**Waiver Synopsis:**

Provide 206 days of instruction while maintaining 1,150 clock hours of instruction. Schedule will coincide with normal 180-day calendar while providing 3 days of instruction per week of 5 hours per day duration, and not more than 2 weeks of separation between classes during the summer months.

**District Rationale:**

- Enhance instruction by increasing hours of summer instructional days from 3 to 5 hours.
- Provide more opportunity for community-based learning activities.
- Parents are willing to send students to summer school for a full rather than a half day of instruction.
- Recruitment of summer staff will improve; transportation costs will be reduced.

**Action:**

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

**Recommended waiver period:**

Department approval to the end of 2003 summer education program

**# 0901-03 - OSE/EIS    Shiawassee Regional Education Service District**

Exemptions: None

**Administrative Rule:** 340.1748 (2) - Programs for students with severe multiple impairments

**Waiver Synopsis:**

Provide 206 days of instruction while maintaining 1,150 clock hours of instruction. Schedule will coincide with normal 180-day calendar while providing 3 days of instruction per week of 5 hours per day duration, and not more than 2 weeks of separation between classes during the summer months.

**District Rationale:**

- Enhance instruction by increasing hours of summer instructional days from 3 to 5 hours.
- Provide more opportunity for community-based learning activities.
- Parents are willing to send students to summer school for a full rather than a half day of instruction.
- Recruitment of summer staff will improve; transportation costs will be reduced.

**Action:**

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

**Recommended waiver period:**

Department approval to the end of 2003 summer education program